

REMARKS

Claims 1-10 and 12-14 are pending in this application. By this Amendment, the specification and claims 1, 8 and 10 are amended. Claims 1 and 8 are amended to recite features supported in the specification at, for example, paragraph [0095]. Claim 10 is amended to correct minor informalities. No new matter is added by any of these amendments.

Reconsideration based on the following remarks is respectfully requested.

I. Applicant's Interview Record

Applicant appreciates the courtesies extended to Applicant's representative by Examiner Nguyen during the April 18, 2005 interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicant's record of the interview.

II. Claims 1-10 and 12-14 Define Patentable Subject Matter

The Office Action rejects claims 1-10 and 12-14 under 35 U.S.C. §102(b) over U.S. Patent 5,818,436 to Imai *et al.* (hereinafter "Imai"). This rejection is respectfully traversed.

As discussed during the interview, Imai does not teach or suggest an information recording and reproducing apparatus comprising a recording mode selecting device that includes a recording position designating portion for designating a certain position in an input area; a recording switch that outputs a recording start signal and a recording end signal of sound data in response to a switching of the switch in response to the recording position designating portion indicating that the certain position is within a certain area of the input area; a coordinate on data detecting device that detects coordinate data of the certain position in the input area designated by the position designating portion; a designated coordinate data storing device that stores the coordinate data detected by the coordinate data detecting device as designated coordinate data; a written information inputting device that includes an input

position designating portion for inputting written information by designating the certain position in the input area, wherein the coordinate data detecting device detects coordinate data of a position designated by the position designating portion of the written information inputting device, wherein the written information inputting device further includes an erase designating portion for erasing the written information by designating the certain position in the input area; and a sound data storing device that starts recording the sound data in association with the designated coordinate data in response to an output of the recording start signal and that ends recording in response to an output of the recording end signal, as recited in claim 1. These reasons apply by extension to claims 2-7 and 12-14 based on their dependence from claim 1.

Nor does Imai teach or suggest a storage medium storing an information recording and reproducing program that can be read by a computer comprising a coordinate data detecting routine detecting coordinate data of a designated position on an input area designated by a recording position designating portion of a recording mode selecting device that outputs at least one of a recording start signal and a recording end signal of sound data by switching of a switch in response to the recording position designating portion indicating that the certain position is within a certain area of the input area; a designated coordinate data storing routine storing the coordinate data detected by the coordinate data detecting routine as designated coordinate data; a sound data storing routine starting recording of the sound data in association with the designated coordinate data in response to an output of the recording start signal, and ending recording in response to an output of the recording end signal; and an erasing detecting routine detecting coordinate data of a designated position on the input area designated by an erasure position designating portion of an erasing mode selecting device that outputs an erasing start signal by switching the switch, as recited in claim 8. These reasons apply by extension to claims 9 and 10 based on their dependence from claim 8.

Instead, Imai discloses a recording and playback device. In particular, Imai teaches a recording section 1, a time generating section 2, an event storage section 3, a recognizing section 10. Also, Imai teaches a continuous data playing back section 5, a specifying section 6, a play back controlling section 7, a displaying section 8, and a display control section 9 (col. 4, lines 9-26, 58 – col. 5, line 12 and Figs. 1 and 2 of Imai).

However, Applicant respectfully asserts that Imai lacks a recording switch that operates in response to the recording position designating portion indicating that the certain position is within a certain area of an input area of a recording mode selecting device, as recited in Applicant's claimed features. Rather, Imai records pen positions, but fails to teach a certain area of an input area to designate switching conditions for control of recording, play back or other associated operations.

A claim must be literally disclosed for a proper rejection under §102. This requirement is satisfied "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131). Applicant asserts that the Office Action fails to satisfy this requirement with Imai.

For at least these reasons, Applicant respectfully asserts that the independent claims are now patentable over the applied reference. The dependent claims are likewise patentable over the applied reference for at least the reasons discussed, as well as for the additional features they recite. Consequently, all the claims are in condition for allowance. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: April 18, 2005

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